CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence, including recited attachments, is being electronically transmitted to the United States Patent and Trademark Office on the below date:

Date: June 7, 2007 Name: Richard E. Stanley, Jr. Signature: /Richard E. Stanley, Jr./

Case No. 12170-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Larry Byrd

Serial No.: 10/680,532

Filing Date: October 6, 2003

For: LARGE BALE HANDLER

Examiner: Charles N. Greenhut

Group Art Unit No.: 3652

DECLARATION UNDER 37 C.F.R. § 1.132

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Now comes Larry D. Byrd, the sole inventor of the above-identified patent application, who declares and states:

1. I have reviewed the final Office Action dated March 7, 2007, in the above-identified patent application. To support of my position that my invention is new and not obvious, I make the following evidentiary statements.

2. The SAS forks are made for handling cars and light trucks in salvage yards. There is no description that the SAS forks are designed for large round hay bales. In fact, the SAS forks will not work for bales without extensively redesigning them. In particular, they are made to fit a four point attachment on a front end loader. It

would require significant redesign work to fit the SAS forks on the rear end of a farm tractor on a three point hitch.

3. The width across the tines of the SAS forks is 3.5 feet. In contrast, the width across the tines of my bale fork is 4.5 feet. The width of my bale fork was specifically designed to provide a stable support for large hay bales without allowing the bales to fall through the tines. The width of the SAS forks is too narrow to slide under a 5 foot bale. Indeed, it would just push them because it would not clear the outside edges of the bale. If one were to put a bale on the SAS forks, the bale would likely roll off on hilly ground because the tines would not cradle the bale enough. In fact, SAS teaches that it is preferable to have narrower forks for lifting vehicles and also teaches that wider forks are weaker than SAS's narrow forks.

4. Furthermore, SAS would need to redesign the tips to work for bales. The SAS tines have tips like a pallet fork which are like a knife and would tear the twine or net wrap. We tested these kinds of tips and found that they also easily dig into the ground. The tips on my bale fork have diamond-shaped caps with the points located at the outside edges of the tines. Thus, there are no sharp edges that touch the bale. The diamond-shaped caps are also built on an angle with the tips slightly higher and with no sharp edges so as not to tear and dig. We did a lot of experimenting to develop these tips to work well on hay bales.

5. The parts of the SAS fork are not interchangeable with my bale fork either before or after being welded together. I called the manufacturer of the SAS forks and was quoted a price of $7000 for a 15 foot long fork. By contrast, the price of my bale wizard is only $1,100. It is unlikely that hay farmers would pay that much more. Indeed, the SAS forks would be even higher priced if they were reinvented for hay.

6. We spent a lot of time and money designing a great in-line two bale fork and it is certainly worthy of a patent. It was my idea and mine alone. I would appreciate due consideration of the facts set forth herein and reconsideration of my application. There are many types of implements that fit on the front end of loaders with a four point attachment. Similarly, there are many types of implements that fit on the rear end of farm tractors with a three point hitch. Miller's transporter which is primiarly made for loading dirt is an example. You can also put such things as fire wood, feed sacks, etc.

on it. It will not self load hay because the edge runs clear across for loading dirt and has no tines, therefore, it would just push bale. He would have to cut the bucket off and weld tines on it to ever get it to load hay. Of course, most implements that fit three point hitches will hook on to Richey's quick hitch. The fact that someone could reinvent and reweld old implements together with different parts to make them work for hay should not be a reason to deny a patent for the bale fork claimed in my application.

7. I state that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements are the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Respectfully submitted,

Larry D. Byrd

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